

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

CrI.P.Nos.5938,5939,6153 and 6633 of 2017

COMMON ORDER:

All the four Quash petitions are outcome of Cr.No.151 of 2017 of Bheemunipatnam Police Station, Visakhapatnam district for the offences punishable u/ sec.420, 465,466,467,471 and 120-B r/ w 34 IPC, and Section 74 of the I.T.Act. Among the 4 quash petitions, the two petitioners in CrI.P.No.5938 are A.5 and A.6, the petitioner in CrI.P.No.5939 of 2017 is A.3, the petitioner in CrI.P.No.6153 is A.1 and the petitioner in CrI.No.6633 of 2017 is A.2.

Heard for more one hour at length the learned counsel for the accused/ petitioners respectively and also the learned Public Prosecutor and perused the grounds of quash petitions, First Information Report and the supporting material.

A perusal of the above discloses that the investigation is only at nasal stage. It requires through investigation since more than 100acres of valuable land in question is involved. A perusal of the material no way requires this Court to interdict the investigation. Though the learned counsel for some of the petitioners wants to keep these petitions pending saying they can produce some material to show that they are not the owners, it is left open to them, for nothing to keep the matters pending, to file any such material before the investigating officer to consider.

Having regard to the above, without prejudice to all available defences including to file any relevant material before the Investigating Officer concerned, these Criminal Petitions are disposed of. Needless to say for any of the offences not punishable above 7 years, police shall strictly follow Section 41-A CrPC and also the guidelines of the Apex court in Arnesh Kumar Vs. State of Bihar¹ in the event of any requirement of arrest. However, they can be interrogated for purpose of investigation of the case. So far as A.2 specifically concerned who is the petitioner in CrI.P.No.6633 of 2017 being purchaser, unless there is further investigation to show he is privy otherwise being a victim he cannot be arrested pending investigation but this does not exempt him to call for investigation.

Consequently, miscellaneous petitions if any, pending in these criminal petitions shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date:11.08.2017
vvr.

¹ (2014) 8 SCC 273